

Article - Education

§5–112.

(a) This section does not apply to:

(1) Contracts for the purchase of books and other materials of instruction as defined in the State Department of Education Financial Reporting Manual;

(2) Emergency repairs; and

(3) Except as provided in subsection (e) of this section, a county board's participation in contracts for goods or commodities that are awarded by other public agencies or by intergovernmental purchasing organizations if the lead agency for the contract follows public bidding procedures.

(b) (1) Except as provided in paragraph (2) of this subsection, if the cost of any school building, improvement, supplies, or equipment is more than \$25,000, the county board, at least 2 weeks before bids are to be filed, shall advertise for bids in a medium accessible to the general public, which includes:

(i) A newspaper of general circulation in the region;

(ii) The Maryland Contract Weekly or comparable State publication;

or

(iii) An electronic posting on a bid board and physical posting on the local school system bid board.

(2) If the amount specified in paragraph (1) of this subsection differs from the amount in § 13–109(a) of the State Finance and Procurement Article, the amount in § 13–109(a) of the State Finance and Procurement Article shall apply under paragraph (1) of this subsection.

(3) (i) The county board shall draft specifications that provide a clear and accurate description of the functional characteristics or the nature of an item to be procured, without modifying the county board's requirements.

(ii) The specifications may:

1. Include a statement of any of the county board's requirements; and

2. Provide for the submission of samples, inspection, or testing of the item before procurement.

(4) (i) Except as provided in subparagraph (ii) of this paragraph, specifications that use one or more manufacturer's product to describe the standard of quality, performance, or other characteristics needed to meet the county board's

requirements, must allow for the submission of equivalent products.

(ii) Subparagraph (i) of this paragraph does not apply if the county board determines in the written specification that:

1. A particular manufacturer's product is required to maintain compatibility of service or equipment;
2. A particular manufacturer's product is required to meet the health needs of students;
3. Replacement parts or maintenance are a paramount consideration; or
4. A product is purchased for resale.

(c) (1) A contract for the school building, improvements, supplies, or other equipment shall be awarded to the lowest responsible bidder who conforms to specifications with consideration given to:

- (i) The quantities involved;
- (ii) The time required for delivery;
- (iii) The purpose for which required;
- (iv) The competency and responsibility of the bidder;
- (v) The ability of the bidder to perform satisfactory service; and
- (vi) The plan for utilization of minority contractors.

(2) The county board may reject any and all bids and readvertise for other bids.

(d) (1) In this subsection, the term "minority business enterprise" has the meaning stated in § 14-301 of the State Finance and Procurement Article.

(2) In Montgomery County, by resolution and by implementing regulations, the Montgomery County Board of Education shall establish a minority business utilization program to facilitate the participation of responsible certified minority business enterprises in contracts awarded by the Montgomery County Board of Education in accordance with competitive bidding procedures.

(e) (1) (i) In this subsection, "green product cleaning supplies" means environmentally preferable cleaning and cleaning maintenance products and supplies intended for routine cleaning and cleaning maintenance that perform well and that have positive health and environmental attributes, including:

1. Biodegradability;
2. Low toxicity;
3. Low volatile organic compound content;
4. Reduced packaging;
5. Low life cycle energy use; and
6. Lesser or reduced effects on human health and the environment when compared to competing products that serve the same purpose.

(ii) “Green product cleaning supplies” includes:

1. General purpose cleaners;
2. Bathroom cleaners;
3. Carpet cleaners;
4. Glass cleaners;
5. Floor cleaners, floor finishes, and floor strippers;
6. Wall cleaners;
7. Desk cleaners;
8. Surface cleaners;
9. Window cleaners;
10. Whiteboard cleaners; and
11. Soap.

(iii) “Green product cleaning supplies” does not include:

1. Room deodorizers;
2. Air fresheners;
3. Toilet deodorizers; or
4. Hand cleaners.

(2) (i) Subject to subsection (f) of this section, to the extent practicable, and economically feasible, a county board shall procure green product cleaning supplies for use in its schools.

(ii) In accordance with subsection (b)(3) of this section, a county board shall draft specifications that provide a clear and accurate description of the functional characteristics or nature of the green product cleaning supplies that are to be procured.

(iii) The specifications drafted by a county board under subparagraph (ii) of this paragraph:

1. May not preclude the use when necessary of a disinfectant, disinfecting cleaner, sanitizer, or other antimicrobial product regulated by the Federal Insecticide, Fungicide, and Rodenticide Act under 7 U.S.C. § 136 et seq.; and

2. Shall allow for multiple avenues to obtain green product cleaning supplies certification, including:

A. Green Seal, Green Label, Environmental Choice, TerraChoice, or Ecologo; and

B. Any other nationally recognized independent third-party entity that certifies environmentally preferable products that the county board determines to be appropriate.

(3) (i) Except as provided in paragraph (2)(i) of this subsection, on or before July 1, 2013, a county board shall adopt written policies for the procurement of green product cleaning supplies for use in its schools.

(ii) The written policies shall:

1. Require the use of green product cleaning supplies;

2. On or before July 1, 2014, establish guidelines for purchasing green product cleaning supplies that meet the certification requirements of any established and nationally recognized independent third-party entity that certifies environmentally preferable products and adheres to consensus standards for lesser or reduced effects on human health and the environment when compared to competing products that serve the same purpose;

3. Establish green cleaning practices, including storage, application, frequency of use, and disposal of the supplies to ensure that the occupants of a school building do not suffer any adverse health effects as the result of these practices; and

4. Require staff training on implementing the policy.

(f) On or before June 30 each year, a county board that does not procure green product cleaning supplies for use in its schools because doing so is not practicable or economically feasible shall provide annual written notice of this fact to the Department.

(g) Nonpublic schools may participate under any contracts for goods or commodities that are awarded by county boards, other public agencies, or intergovernmental purchasing organizations, if the lead agency for the contract award follows public bidding procedures.

(h) A contract entered into or purchase made in violation of this section is void.